



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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FEB 25 2004



Ref: 8EPR-N

Ms. Phyllis Johnson-Ball  
Section of Environmental Analysis  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423-0001

RE: Draft Scope of Analysis for the EIS on the  
Six-County Association of Governments,  
Construction and Operation of a Rail Line  
between Juab and Salina, Utah

Dear Ms. Johnson-Ball:

The Region 8 Office of EPA has reviewed the Federal Register notice of December 24, 2003, regarding the notice of availability of the draft scope of analysis for the above EIS. We offer the following comments for your consideration. EPA believes the draft scope of analysis is based on limited information currently available. Additional issues may develop when more is known about the project. CEQ regulations specify that EISs should emphasize real environmental issues and alternatives in a concise and clear comparative analysis. The current draft scope of analysis does not yet appear to achieve this goal provided by CEQ.

Under Section 309 of the Clean Air Act, 42 U.S.C. Section 7609, EPA has the responsibility to review and comment on the environmental impact of major federal actions to which NEPA applies. Consistent with these responsibilities, EPA will review the Surface Transportation's Board upcoming Draft and Final EISs on the proposed new rail line to ensure that environmental issues are adequately addressed.

Cumulative impacts associated with coal mining

The EIS should address the indirect and cumulative impacts of the rail line on coal mining. Neither the Notice of Intent nor the Draft Scope of Analysis describe the relationship between the proposed action for a new rail line and coal mining. As we understand it, the proposed rail line would principally serve the existing underground coal mine operated by Southern Utah Fuels Company (SUFCO) in northeastern Sevier County. There may also be a need to assess



cumulative or similar actions, such as expanding or altering coal production at the SUFCO mine or other mines. Pursuant to 40 CFR 1508.25, the scope of an EIS may need to include: (1) cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement, or (2) similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography. We recommend you contact the Office of Surface Mining and Utah's Division of Oil, Gas, and Mining to discuss the relationship between this proposed action and the ongoing coal mining that this rail line would serve.

#### Air Quality impacts

An air quality assessment should document current air quality conditions, using suitable data sets from ambient air monitoring programs. This assessment should consider the cumulative impact of other reasonably foreseeable development, including coal mining and other energy development in the area. Its scope should include reasonably foreseeable air quality impacts both of pollutants with regulatory standards and of pollutants for which regulatory standards have not been set. The assessment should address all categories of emissions that will occur during the construction and operating phases of the project. Other issues that should be considered include air quality related values such as visibility, ozone, and particle deposition in Class I areas.

The proposed action would decrease truck traffic in the Sevier Valley of Utah at the same time as increasing rail traffic. These changes would result in decreased highway emissions of air pollution and increased railway emissions. Consequently, the EIS should compare the expected increases in emissions with these offsetting decreases. The draft scope of analysis appears to include such analysis in the air emissions section under item 5.b. Such analysis should include the potential for increased commercial rail transport along the proposed rail line other than coal hauling.

#### Noise impacts

At item 6.a., the draft scope of analysis indicates that changes in ambient noise for sensitive receptors would be described where the increase may exceed 3dbA  $L_{dn}$  or exceed a total of 65 dbA  $L_{dn}$ . EPA recommends that residences within the 55 dbA  $L_{dn}$  contour also be described since there is potential in such areas for sensitive individuals to be affected through sleep interference or sleep depredation. Similarly, the change in ground vibration due to the passing trains may affect nearby residents if there are any residences adjacent to the proposed rail line.

#### Water resource impacts

Impacts to wetlands will likely vary by rail alignment. We suggest the EIS include an analysis of wetland impacts sufficient to meet the requirements found at 40 CFR Part 230 regarding the obligation to select the least damaging practicable alternative as defined by the

404(b)(1) Guidelines. Least damaging practicable alternatives to aquatic resources are to be based solely on the costs, technology and logistics of these rail alignment alternatives and not on what the applicant desires or proposes.

Please provide a copy of the wetland determination maps to our office. After review of the wetland delineation mapping has been completed; that would be an opportune time to host a site visit with EPA and the Corps of Engineers to discuss the applicant's and STB's obligations pursuant to the 404(b)(1) Guidelines.

Potential water quality impacts from either highway or rail line petrochemical spills should be addressed in the EIS. Comparative information should be developed on the risk of petroleum product spills, coal spill, and construction sediment from the no-action case where rail haul would be compared to the existing truck haul, and for each alternative alignment, especially if there is a differential risk of spill between alignments.

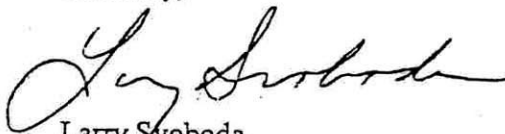
Section 3.b. of the scope of analysis states the EIS will describe the existing private water wells within the project area and the impacts of the project, if any, to water quality due to vibration from haul trains. We are not aware of any potential water quality change associated with vibration from haul trains. Perhaps this element of the draft scope of analysis was intended to cover potential impacts to the physical features of these private wells, such as potential to fracture fragile or old well casings and adversely affect pumps by vibration changes from nearby coal haul trains. If appropriate, we suggest this element of the scope of analysis be revised accordingly.

#### Environmental Justice analysis

The EIS should identify if there are any minority or low income communities along the rail corridor. The purpose of the environmental justice analysis is to ascertain if there are disproportionate adverse impacts to such communities.

If you have any questions on these suggestions, please contact Weston Wilson of my staff at (303) 312-6552.

Sincerely,



Larry Svoboda

Director, NEPA Program

Office of Ecosystems Protection and Remediation

cc: Brooks Carter, Corps of Engineers, Salt Lake City  
Richard Holbrook, Office of Surface Mining, Denver